

REMARKS

This paper is in response to the Communication mailed June 3, 2004. The Amendment filed April 19, 2004 was not fully responsive to the prior Office Action. Applicants acknowledge with thanks this opportunity to respond to the outstanding issues.

All claims stand rejected under 35 U.S.C. § 112, second paragraph for the use of the term “close” in independent claims 1 and 15. Merriam-Webster Online Dictionary has many definitions for the adjective “close.” The most fitting is “being near in time, space, effect or degree.” Using the common meaning of the words, it is clear that the emitter is near in space to the longitudinal axis of the passageway.

The Examiner further states that one of ordinary skill in the art would not be reasonably apprised of the invention because the specification does not provide a standard for ascertaining the requisite degree of closeness. Applicants respectfully draw the Examiner’s attention to the paragraph beginning on page 21 at line 7 where such standard is supplied. It is clearly stated that the accelerator fluid is introduced sufficiently close to the midpoint or axis of the passageway so that “by the time the slurry reaches the outlet 196, it has been uniformly mixed into the slurry.” Uniformity of mixing at the outlet is therefore the standard in determining if the emitter is in a close relationship with a longitudinal axis of the passageway.

Claim 15 is further rejected under 35 U.S.C. § 112, second paragraph for use of the term “minimizing” as being indefinite. “Minimize” also has a clear meaning – to reduce

or keep to a minimum. See Merriam-Webster OnLine Dictionary, attached. However, the Examiner again states that the specification fails to disclose a standard for ascertaining the requisite degree and that the bounds of the claim cannot be determined by the degree of slurry collected on the injector. The claim feature in question is the “injector being configured for minimizing the collection of slurry.” Applicants submit that the injector can be configured for minimizing collection of slurry without actually determining the degree of slurry collected by the injector.

Beginning with the paragraph on page 21, line 18, the specification discusses the configuration of the injector and specific things that may be done to minimize collection of slurry on it. Among other things, the injector is configured with “a smooth exterior to avoid the collection of slurry.” The head is “fluid-dynamically smoothed” or it can be “tapered or wedge-shaped...to form a streamlined profile[.]” These and other methods of configuring the injector are suggested to minimize collection of slurry. If one or more of these methods are used, the injector will be “configured for minimizing” slurry collection.

Applicant submits that all the issues raised in the outstanding Official Action have been addressed. In the event the Examiner finds that there are additional issues that

may be resolved by a telephone conference, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Thesaurus

24 entries found for **close**. The first 10 are listed below.
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close[1,verb]
 close[2,noun]
 close[3,noun]
 close[4,adjective]
 close[5,adverb]
 Close



Main Entry: **⁴close** 

Pronunciation: 'kloʊs

Function: *adjective*

Inflected Form(s): **close·er**; **close·est**

Etymology: Middle English *clos*, from Middle French, from Latin *clausus*, past participle of *claudere*

1 : having no openings : **CLOSED**

2 a : confined or carefully guarded <*close arrest*> **b** (1) *of a vowel* : **HIGH** 13 (2) : formed with the tongue in a higher position than for the other vowel of a pair

3 : restricted to a privileged class

4 a : **SECLUDED**, **SECRET** **b** : **SECRETIVE** <she could tell us something if she would... but she was as *close* as wax -- A. Conan Doyle>

5 : **STRICT**, **RIGOROUS** <keep *close* watch>

6 : hot and stuffy

7 : not generous in giving or spending : **TIGHT**

8 : having little space between items or units <a *close* weave>

9 a : fitting tightly or exactly **b** : very short or near to the surface <a *close* haircut>

10 : being near in time, space, effect, or degree

11 : **INTIMATE**, **FAMILIAR**

12 a : **ACCURATE**, **PRECISE** <a *close* study> **b** : marked by fidelity to an original <a *close* copy of an old master> **c** :

TERSE, **COMPACT**

13 : decided or won by a narrow margin <a *close* baseball game>

14 : difficult to obtain <money is *close*>

15 of punctuation : characterized by liberal use especially of commas

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synonym see STINGY

- **close-ly** *adverb*

- **close-ness** *noun*

- **close to home** : within one's personal interests so that one is strongly affected <the speaker's remarks hit *close to home*>

- **close to the vest** : in a reserved or cautious manner

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minimize

Main Entry: **min·i·mize** 🗣️

Pronunciation: 'mi-n&- 'mIz

Function: *transitive verb*

Inflected Form(s): **-mized; -miz·ing**

1 : to reduce or keep to a minimum

2 : to underestimate intentionally : **PLAY DOWN, SOFT-PEDAL** <*minimizing* losses in our own forces while maximizing those of the enemy>

- **min·i·mi·za·tion** 🗣️ / 'mi-n&-m&- 'zA-sh&n/ *noun*

- **min·i·miz·er** 🗣️ / 'mi-n&- 'mI-z&r/ *noun*

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